

# EXHIBIT G

**BAKER DONELSON**  
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September 10, 2019

Honorable F. Keith Ball  
United States District Court  
501 E. Court Street  
Suite 5.150  
Jackson, MS

Re: *Olivia Y., et al. v. Haley Barbour, et al.*  
In the United States District Court for the Southern District, Jackson Division  
Civil Action No. 3:04cv251

Dear Magistrate Ball:

The Defendants write to respectfully request a telephonic conference with the Court and Plaintiffs to discuss a discovery dispute.

With respect to the background of this dispute, on Friday, September 6, 2019, Plaintiffs unilaterally filed notices to take the depositions of Governor Phil Bryant, the former Executive Director of MDHS, and other MDHS employees to commence on the date of September 17, 2019 (See Doc. Nos. 859-862). Governor Bryant and his agencies strongly object to these depositions.

As the Court is aware, discovery in this case closed on November 30, 2018 (See attached orders at Doc. Nos. 782-783 and 803). Plaintiffs failed to obtain leave of court prior to unilaterally noticing the depositions. Additionally, the subject of the depositions is an individual child, AH. The Olivia Y case is a class action matter and AH was not a part of the certified class. Thus, deposing individuals about AH is outside the scope of permissible discovery in this case. Finally, Plaintiffs are required to show exceptional justifications prior to seeking the deposition of high ranking government officials, including Governor Bryant.

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Honorable F. Keith Ball  
September 10, 2019  
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The parties have conferred in good faith regarding this issue and have been unable to resolve their differences. The Defendants request that a telephonic conference be set at the first available date prior to September 17, 2019.

Sincerely,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

A handwritten signature in black ink, appearing to read "Kenya Key Rachal", written in a cursive style.

Kenya Key Rachal

KKR1:llt

cc: Clint Pentecost  
Larry Jones  
Marcia Lowry  
Dawn Post  
Harold Pizzetta  
Joseph Sclafani  
Whitney Lipscomb

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., by and through her next friend, James D. Johnson;  
JAMISON J., by and through his next friend, Clara Lewis;  
DESIREE, RENEE, TYSON, and MONIQUE P., by and through  
their next friend, Sylvia Forster; JOHN A., by and through his  
next friend, James D. Johnson; CODY B., by and through his  
next friend, Sharon Scott; MARY, TOM, MATTHEW, and  
DANA W., by and through their next friend, Zelatra W.; AND  
SAM H., by and through his next friend, Yvette Bullock; on their  
own behalf and behalf of all others similarly situated,

Plaintiffs.

v.

CIVIL ACTION NO.  
3:04-CV-251-TSL-FKB

PHIL BRYANT, as Governor of the State of Mississippi;  
DONALD TAYLOR, as Executive Director of the Department  
of Human Services; AND BILLY MANGOLD, as Director of  
the Division of Family and Children's Services,

Defendants.

---

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that counsel for plaintiffs will take the deposition upon oral examination of **David Barton**, of the Mississippi Department of Human Services, on September 17, 2019 at 9:00 a.m. at the law offices of Bradley Arant Boult Cummings, LLP, 188 East Capital Street, Suite 1000, Jackson, Mississippi, 39201, by a court reporter duly authorized to administer oaths.

Plaintiffs request that deponent bring to said deposition all documents described in Exhibit A.

RESPECTFULLY SUBMITTED, this, 6th day of September, 2019.

s/ Marcia Robinson Lowry  
Marcia Robinson Lowry (*pro hac vice*)  
A Better Childhood, Inc.  
355 Lexington Avenue, Floor 16  
New York, NY 10011  
Telephone (646) 808-7344  
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W. Wayne Drinkwater, Jr. (MBN 6193)  
Michael J. Bentley (MBN 102631)  
BRADLEY ARANT BOULT CUMMINGS LLP  
One Jackson Place, Suite 1000  
188 East Capitol Street  
Jackson, Mississippi 39201  
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[mbentley@bradley.com](mailto:mbentley@bradley.com)

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New York, New York 10154  
Telephone: (212) 407-4000  
Email: [ccarbone@loeb.com](mailto:ccarbone@loeb.com)

*PLAINTIFFS' COUNSEL*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2019, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will deliver copies to all counsel of record

s/ Marcia Robinson Lowry  
Marcia Robinson Lowry (*pro hac vice*)

**EXHIBIT A**

Documents within your possession, custody, or control that were not previously produced and *that contain your handwritten notes* concerning any of the below-listed subject areas:

1. Any report that you have prepared, participated in, or have had any part in writing with regard to the investigation of maltreatment and report regarding the death of the child A.H.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
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next friend, James D. Johnson; CODY B., by and through his  
next friend, Sharon Scott; MARY, TOM, MATTHEW, and  
DANA W., by and through their next friend, Zelatra W.; AND  
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v.

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PHIL BRYANT, as Governor of the State of Mississippi;  
DONALD TAYLOR, as Executive Director of the Department  
of Human Services; AND BILLY MANGOLD, as Director of  
the Division of Family and Children's Services,

Defendants.

---

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that counsel for plaintiffs will take the deposition upon oral examination of **Eric Johnson**, of the Mississippi Department of Human Services, on September 17, 2019, at 10:30 a.m. at the law offices of Bradley Arant Boult Cummings, LLP, 188 East Capital Street, Suite 1000, Jackson, Mississippi; 39201, by a court reporter duly authorized to administer oaths.

Plaintiffs request that deponent bring to said deposition all documents described in Exhibit A.

RESPECTFULLY SUBMITTED, this, 6th day of September, 2019.

s/ Marcia Robinson Lowry

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*PLAINTIFFS' COUNSEL*

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of Human Services; AND BILLY MANGOLD, as Director of  
the Division of Family and Children's Services,

Defendants.

---

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that counsel for plaintiffs will take the deposition upon oral examination of **John Davis**, September 17, 2019, at 12:00 p.m. at the law offices of Bradley Arant Boult Cummings, LLP, 188 East Capital Street, Suite 1000, Jackson, Mississippi, 39201, by a court reporter duly authorized to administer oaths.

Plaintiffs request that deponent bring to said deposition all documents described in Exhibit A attached hereto.

RESPECTFULLY SUBMITTED, this, 6th day of September, 2019.

s/ Marcia Robinson Lowry

Marcia Robinson Lowry (*pro hac vice*)

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the Division of Family and Children's Services,

Defendants.

---

**NOTICE OF DEPOSITION**

PLEASE TAKE NOTICE that counsel for plaintiffs will take the deposition upon oral examination of **Governor Phil Bryant**, on September 17, 2019 at 2:30 p.m. at the law offices of Bradley Arant Boult Cummings, LLP, 188 East Capital Street, Suite 1000, Jackson, Mississippi, 39201, by a court reporter duly authorized to administer oaths.

Plaintiffs request that deponent bring to said deposition all documents described in Exhibit A.

RESPECTFULLY SUBMITTED, this, 6th day of September, 2019.

s/ Marcia Robinson Lowry

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FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
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OLIVIA Y., by and through her  
next friend, James D. Johnson,  
et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04cv251-TSL-FKB

PHIL BRYANT, et al.

DEFENDANTS

**ORDER**

In accordance with the Court's ruling at the hearing on August 24, 2018, Plaintiffs' motion for an amended case management order and for limited discovery [768] is granted. It is hereby ordered as follows.

Plaintiffs are granted leave to propound the discovery requests as set forth in Exhibit A to their motion, except that all such requests shall be understood to be limited to fiscal years 2018 and 2019. Written responses to the requests shall be served by September 24, 2018; Documents shall be produced by October 8, 2018. Plaintiffs are also granted leave to depose witnesses identified in Defendants' responses to the discovery requests. All discovery shall be completed by October 23, 2018.

Before a party may serve any discovery motion, counsel must first confer in good faith as required by F.R.Civ.P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the undersigned to request a telephonic conference to discuss the issue as contemplated by F.R.Civ.P. 16(b)(3)(v). Only if the telephonic conference with the undersigned is unsuccessful in resolving the issue may a party file a discovery motion.



Plaintiffs' supplemental response to Defendants' 60(b) motion [756] shall be due 30 days from the final day of the discovery period. Defendants' rebuttal to the supplemental response shall be due 30 days thereafter.

So ordered, this the 27<sup>th</sup> day of August, 2018.

s/  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

OLIVIA Y., by and through her  
next friend, James D. Johnson,  
et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04cv251-TSL-FKB

PHIL BRYANT, et al.

DEFENDANTS

**ORDER**

In accordance with the Court's ruling at the hearing on August 24, 2018, Plaintiffs' motion for an amended case management order and for limited discovery [768] is granted. It is hereby ordered as follows.

Plaintiffs are granted leave to propound the discovery requests as set forth in Exhibit A to their motion, except that all such requests shall be understood to be limited to fiscal years 2018 and 2019. Written responses to the requests shall be served by September 24, 2018; Documents shall be produced by October 8, 2018. Plaintiffs are also granted leave to depose witnesses identified in Defendants' responses to the discovery requests. All discovery shall be completed by October 23, 2018.

Before a party may serve any discovery motion, counsel must first confer in good faith as required by F.R.Civ.P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the undersigned to request a telephonic conference to discuss the issue as contemplated by F.R.Civ.P. 16(b)(3)(v). Only if the telephonic conference with the undersigned is unsuccessful in resolving the issue may a party file a discovery motion.

Plaintiffs' supplemental response to Defendants' 60(b) motion [756] shall be due 30 days from the final day of the discovery period. Defendants' rebuttal to the supplemental response shall be due 30 days thereafter.

So ordered, this the 27<sup>th</sup> day of August, 2018.

s/ F. Keith Ball  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

OLIVIA Y., by and through her  
next friend, James D. Johnson,  
et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04cv251-TSL-FKB

PHIL BRYANT, et al.

DEFENDANTS

**ORDER**

On August 27, 2018, this court entered an order [783] granting Plaintiffs' motion for an amended case management order and for leave to conduct limited discovery relating to Defendants' 60(b) motion. The Court granted the motion and entered an order setting forth a schedule for the requested discovery and a briefing schedule.

Defendants have now filed a motion [787] asking for leave to conduct discovery in preparation for the hearing on the 60(b) motion and for entry of a new scheduling order. Plaintiffs do not oppose Defendants' request for discovery. However, they have proposed a new discovery schedule that allows an earlier deadline for Defendants' depositions than for their own. Defendants oppose Plaintiffs' proposed schedule. Having considered the motion, response, and reply, the Court orders as follows.

Defendants are granted leave to propound the discovery requests as set forth in the exhibit to their motion and to depose witnesses identified in Plaintiffs' responses to the discovery. Responses to the requests, and production of documents thereunder, shall be due 30 days after service of the requests.

The discovery deadline is extended to November 30, 2018. Depositions may be taken in any order during this period.

All other provisions of this Court's order of August 27, 2018, shall remain in effect.

So ordered, this the 21st day of September, 2018.

s/ F. Keith Ball  
United States Magistrate Judge

Johnson, et al v. Barbour, et al, Docket No. 3\_04-cv-00251 (S.D. Miss. Mar 30, 2004), Court Docket

## General Information

<b>Court</b>	United States District Court for the Southern District of Mississippi; United States District Court for the Southern District of Mississippi
<b>Federal Nature of Suit</b>	Civil Rights - Other[440]
<b>Docket Number</b>	3:04-cv-00251
<b>Status</b>	CLOSED